

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GENE ROPER,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

Case No. 3:22-cv-00314-MMD-CLB

ORDER

Pro se Plaintiff Gene Roper brings this action against Defendants under 42 U.S.C. § 1983 for excessive force, retaliation, and false imprisonment. (ECF No. 1-1.) Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Carla L. Baldwin (ECF No. 5), recommending that the Court dismiss the case based on Roper’s failure to update his address. Objections to the R&R were due September 13, 2022. To date, no objection has been filed. For this reason, and as explained below, the Court adopts the R&R in full.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

1 Because there was no objection, the Court need not conduct de novo review, and
2 is satisfied that Judge Baldwin did not clearly err. Judge Baldwin correctly found that the
3 case should be dismissed because Roper failed to update his address. In an order on
4 July 25, 2022, Judge Baldwin directed Roper to update his address by August 24, 2022,
5 because the Nevada Department of Corrections inmate database showed that Roper was
6 no longer incarcerated. (ECF No. 3.) Judge Baldwin also warned Roper that his case may
7 be dismissed if he failed to update his address by the deadline. (*Id.*) To date, Roper has
8 failed to change his address or otherwise respond to Judge Baldwin's July 25, 2022,
9 order. This action cannot realistically proceed without Roper's participation or until and
10 unless Roper updates his address. It is also Roper's responsibility to notify the Court of
11 any change in his address. See LR IA 3-1 (requiring *pro se* litigants to keep the Court
12 apprised of their address, or face dismissal). The Court will therefore adopt Judge
13 Baldwin's R&R in full and dismiss the case without prejudice.

14 It is therefore ordered that Judge Baldwin's Report and Recommendation (ECF
15 No. 5) is accepted and adopted in full.

16 It is further ordered that this case is dismissed without prejudice.

17 The Clerk of Court is directed to enter judgment accordingly and close this case.

18 DATED THIS 16th Day of September 2022.

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21 MIRANDA M. DU
22 CHIEF UNITED STATES DISTRICT JUDGE
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